1 PATRICK L. FORTE, #80050 ANNE Y. SHIAU, #273709 LAW OFFICES OF PATRICK L. FORTE 2 One Kaiser Plaza, #480 3 Oakland, CA 94612 Telephone: (510) 465-3328 4 Facsimile: (510) 763-8354 5 Attorneys for Debtors 6 7 8 UNITED STATES BANKRUPTCY COURT 9 NORTHERN DISTRICT OF CALIFORNIA 10 Case No. 10-72312 RLE In re: 11 WARREN LELAND OBERHOLSER and VICTORIA MARIE OBERHOLSER, 12 Debtors. 13

Chapter 13

MOTION TO VALUE SECURITY OF LAKE ICON PORTFOLIO MANAGEMENT I, LLC AS SUCCESSOR IN INTEREST TO BANCO POPULAR NORTH AMERICA AS SUCCESSOR IN INTEREST TO E-LOAN, INC.

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Debtors Warren Leland Oberholser & Victoria Marie Oberholser ("Debtors") hereby move the court to value the claim of Lake Icon Portfolio Management I, LLC as successor in interest to Banco Popular North America as successor in interest to E-Loan, Inc. ("Lake Icon") secured by a lien against Debtors' property located at 5444 San Antonio Street, Pleasanton, CA 94566 ("the property").

1. This motion is based on the petition, schedules, and documents on file herein, and the Memorandum of Points and Authorities in Support of the Motion and Declaration of Debtor in Support of the Motion filed herewith.

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- 2. As stated in the attached Declaration, at the time of filing, Debtors' residence was worth less than the first lien against the property.
- 3. As stated in the attached Declaration, in May 2013, Debtors' residence was worth less than the first lien against the property.
  - 4. Lake Icon holds the second lien against the property.

Based on the foregoing, and for the reasons stated in the attached Memorandum of Points and Authorities, Debtors pray that:

- 1. For purposes of Debtors' chapter 13 plan only, the court value Lake Icon's lien at zero, hold that Lake Icon does not have a secured claim, and hold that Lake Icon's lien may not be enforced, pursuant to 11 U.S.C. §§ 506 and 1327, FRBP 3012, and the United States Bankruptcy Court for Guidelines for Avoiding Liens in Individual Chapter 13 cases and Chapter 13 cases and
- 2. Upon entry of a discharge in Debtors' chapter 13 case, the lien shall be voided for all purposes, and upon application by Debtors, the court will enter an appropriate form of order or judgment voiding the lien.

Dated: June 7, 2013 Anne Y. Shiau /s/ ANNE Y. SHIAU

Attorney for Debtors

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